THE HONOURABLE MRS. JUSTICE T. MEENA KUMARI
AND
THE HONOURABLE MS. JUSTICE G. ROHINI

WRIT PETITION No. 26527 of 2007

ORAL ORDER:
(Per T. Meena Kumari, J)

The Writ Petition is filed seeking stay of collection of the disputed tax of Rs. 1,71,327/- for the assessment year 2000 under the CST Act, 1956 Act arising in pursuance of the order of the 1st respondent dated 23.11.2007 passed in CCT's Ref.No.LIII(3)/569/2007-1, pending disposal of the appeal before the Sales Tax Appellate Tribunal.

It is submitted by the learned counsel for the petitioner that the total liability of demand would be Rs. 1,71,327/-. The learned counsel for the petitioner further submits that the petitioner has preferred an appeal before the Sales Tax Appellate Tribunal on 2.6.2007 and the same is still pending and the stay petition filed by the petitioner before the 1st petitioner was dismissed on 23.11.2007. Challenging the said rejection, the present Writ Petition has been filed.

It is further submitted by the learned counsel for the petitioner that the total amount has been paid and if no stay is granted, the petitioner would be put to irreparable loss.

Heard the learned Special Standing Counsel for Commercial Taxes.

In view of the facts and circumstances of the case, it would suffice if stay is granted subject to payment of 50% of the total amount of disputed tax of Rs. 1,71,327/-.

Accordingly, the Writ Petition is disposed of. However,

pending disposal of the appeal before the Sales Tax Appellate Tribunal, stay is granted subject to payment of 50% of the disputed tax of Rs. 1,71,327/- and the same shall be deposited before the 3rd respondent within a period of six weeks from today. It is made clear that if any amount is already paid by the petitioner towards the disputed tax, the same shall be given credit to the 50% of the tax now to be deposited.

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T. MEENA KUMARI, J

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G. ROHINI, J

12.12.2007

N.B.
C.C. by 20.12.2007
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